

Reinventing the role of the Czech trade unions: halfway through the journey

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Introduction

Trade unions in Central-Eastern Europe (CEE) face a variety of challenges. In comparison with their counterparts in Western Europe, they are considered weak but, since the beginning of the economic crisis, they have shown signs of heightened activism (Bernaciak *et al.* 2014; Bernaciak 2015). The purpose of this chapter is to challenge the thesis of CEE labour weakness in the context of Czech industrial relations and to analyse the innovative practices pursued by Czech trade unions in the post-crisis period.

In line with the conceptualisation developed by Bernaciak and Kahancová in the Introduction to this volume, we define an innovative union practice as ‘a course of action differing from the one pursued in the past, staged by a trade union to address a newly emerging challenge or to tackle an existing problem more effectively’. We hence focus not only on initiatives launched by unions for the first time, but also on previously known instruments used in response to new problems, as well as those addressing an old problem in a novel manner. It should also be noted that the catalogue of innovative practices presented in this chapter is not exhaustive. It solely aims at providing examples of best practice and demonstrating trade unions’ capacity to address long-standing newly emerging problems (cf. Butković, this volume), and is limited to actions or policies with the most tangible impacts.

We base our account on the empirical data gathered within the framework of the PRECARIR project, which analysed social partners’ responses to the rise of precarious work in five sectors: construction, healthcare, metal, retail and temporary agency work (Martišková and Sedláková 2016). We accordingly present the initiatives undertaken by Czech unions in relation to labour market flexibilisation, but also in response to other challenges that they have faced, such as the decrease in union density rates and the fall in collective bargaining coverage.

We show that the innovative practices pursued by Czech labour organisations in the aftermath of the downturn correspond to all three dimensions of union innovation outlined in the Introduction. The unions have (1) reformed their organisational structure in order to boost their membership; (2) adopted new strategies to promote collective bargaining; and (3) targeted new groups and types of workers. On the other hand, the evidence suggests that their innovative approach has not always been consistent. In particular, representation and protection of the atypical workers is not accompanied with the strategy of their organization and inclusion into the trade unions.

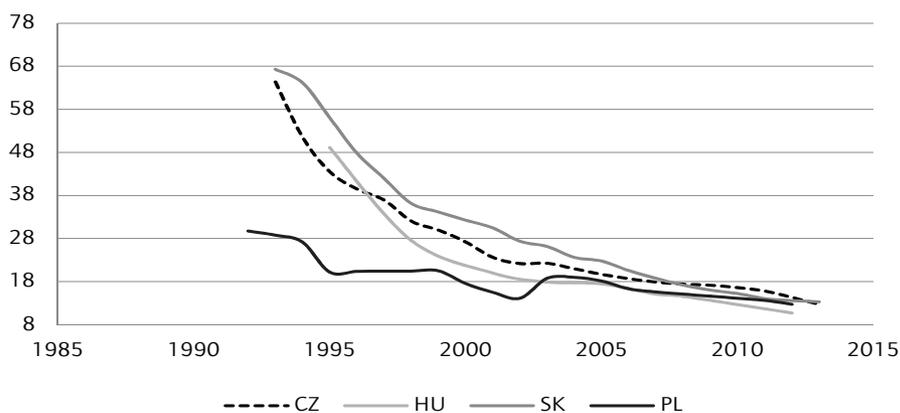
The chapter is structured as follows. In the first section we present industrial relations developments in Czechia since the 1990s. We argue that the choices made by unions during the economic transformation have determined their position in the country's political-economic setup and had an impact on the current state of the social dialogue in Czechia. We also discuss trade union responses to the inflow of foreign direct investment and the flexibilisation of the Czech labour market in the 2000s as well as during the crisis. We conclude by outlining unions' traditional activities and identifying the drivers of their innovative actions. In the second and third sections we present the innovative practices pursued by Czech labour organisations in the post-crisis period. The discussion section assesses the impact and the sustainability of these initiatives and draws some brief conclusions.

1. Background: Czech trade unions before and during the crisis

1.1 Industrial relations in Czechia

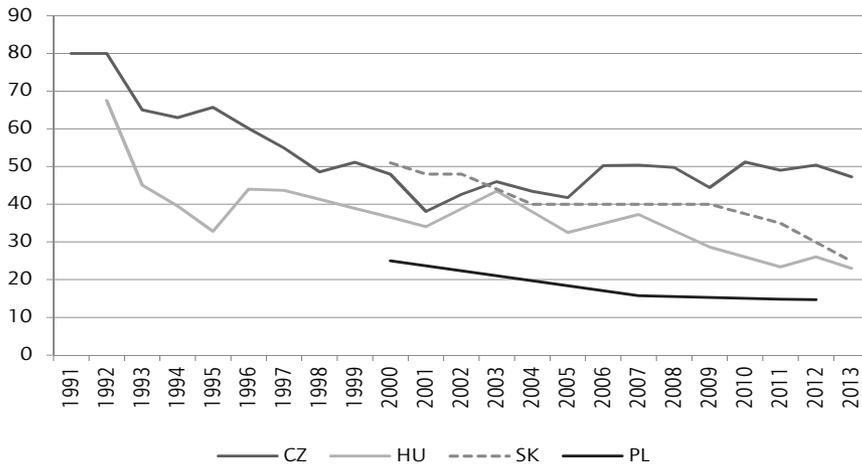
Over the past 20 years, all four Visegrád countries (Czechia, Slovakia, Hungary and Poland) have reported a sharp drop in union membership rates (Figure 1); in Czechia, union density fell from 64 per cent in the mid-1990s to 12.7 per cent in 2013 (Visser 2015). The biggest union confederation, the Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů, ČMKOS) inherited a large membership base, substantial financial resources and valuable assets such as buildings and hotels. Even though ČMKOS still remains the country's strongest labour organisation, its membership figures have gone down over time. At present, it associates 29 sectoral trade unions with 5 600 basic (plant-level) organisations and has 366 000 members. Other trade union confederations associate another 147 000 members (Visser 2015).

Figure 1 Structural trade union density in Visegrád countries (per cent), 1992–2013



Source: Eurostat.

Figure 2 Collective bargaining coverage rates in Visegrád countries (per cent), 1991–2013



Source: Eurostat.

The social dialogue in Czechia has developed at three levels: national, sectoral and company level. At national level, the tripartite Council for Economic and Social Accord (Rada hospodářské a sociální dohody, RHSD) serves as a platform where the social partners discuss legislative proposals with government representatives. Despite the proposals and agreements concluded at the RHSD not being binding on the government and parliament, the social partners regard the RHSD as a useful tool that enables them to get in direct contact with government representatives and hence gives them an opportunity to influence the legislative process (Myant 2010).

In Czechia, company-level collective bargaining is dominant, with an estimated coverage of 31.3 per cent in 2014 (Kyzlinková *et al.* 2015). Collective bargaining is continued by 3 910 basic ČMKOS organisations. When sector level collective agreements are included, Czechia reaches a 47.3 per cent coverage rate in 2013, the highest number among the Visegrád countries. Even though the rate has decreased since the launch of the transition process, it has remained fairly stable for the last ten years, especially in comparison with other Visegrád countries (Figure 2). One of the reasons for its relative stability is the extension mechanism for sector-level collective agreements; this is the case in several sectors including construction, electronics and retail.

Despite low union membership figures, societal perception of unions has improved. Regular surveys conducted by two independent companies, STEM and CVVM, show that public trust in trade unions is rising. In 2014, almost 49 per cent of the STEM respondents and 42 per cent of the participants in the CVVM poll found trade unions trustworthy, compared to 43 per cent and 35 per cent in 2004, respectively (Kyzlinková 2015).

1.2 Challenges and drivers of trade union action

Trade unions in Czechia face several challenges that are shaping their positions and action. First, despite the growing societal trust that they have enjoyed in recent years, they continue to struggle with the negative perceptions inherited from the state socialist period, when labour organisations served as an ‘extended hand of the Communist Party’, often accused of representing its party political and business interests (cf. Kahancová and Sedláková forthcoming). In order to restore their legitimacy in the post-transition period, trade unions have not only had to find ways to increase their popularity and public trust, but also to ‘reinvent’ themselves and redefine their role within the country’s new socioeconomic setup. Secondly, the inflow of foreign direct investment (FDI) and ownership changes related to the increased presence of multinational corporations challenged unions’ bargaining position at company level and contributed to the decline in union density and collective bargaining coverage rates. Thirdly, the economic crisis of the late 2000s and the subsequent austerity measures negatively affected social partners’ ability to bargain with the government, which turned trade unions’ attention towards more radical action such as strikes and demonstrations. Last, but not least, trade unions have had to address structural changes in the labour market, involving extensive migration to other EU countries from sectors such as healthcare, as well as labour market dualisation and the rise of precarious forms of work in all segments of the Czech economy. In the remainder of this subsection, we will discuss these four sets of challenges in more detail.

The economic transformation of the 1990s – in particular enterprise restructuring, privatisation and the emergence of new firms, accompanied by the rise of unemployment (Myant and Drahekoupil 2011) – challenged trade union legitimacy and, to a large extent, determined trade unions’ current structure and role in the country’s policy-making process. The successor of the communist Labour Unions, the Czechoslovak Confederation of Trade Unions, split in 1993 into the Confederation of Trade Unions (Konfederácia odborových zväzov, KOZ) in Slovakia and the Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů, ČMKOS) in Czechia. The newly-formed organisation in Czechia managed to preserve most of the financial and property assets of the Czech part of the Labour Unions and thus had substantial resources for future activities. At the same time, however, it had to change its organisational structure in order to distinguish itself from the centralised and politicised Labour Unions and adjust to the changing labour market conditions. ČMKOS was accordingly transformed into a highly decentralised organisation that granted its basic organisations a high degree of independence. This strengthened the trade union position at company level and increased the importance of enterprise-level bargaining, but the changes came at the expense of sectoral and national-level bargaining (Myant 2010).

In view of the relative weakness of the latter two areas, politics became the main channel of influence for the Czech trade unions at national level. Their initial intention to be independent of any political party proved difficult to reconcile with their willingness to co-shape the newly emerging socioeconomic system in general, and labour relations in particular (Myant 2010). Unions were focused on labour legislation, seeking to

establish high levels of employee protection through the provisions of the Labour Code, so they needed a political ally. The Czech Social Democratic Party (Česká strana sociálně demokratická, ČSSD) proved to be the closest match. Up to now, not only the contents but also the intensity of the national-level social dialogue are, to a significant extent, determined by the governing party's colour: social democrats encourage dialogue, whereas centre-right governments tend to ignore the opinions of the social partners. At the same time, the emphasis on legislative action and lobbying motivates unions to act as political entities and interact with potential 'voters' (or members), and therefore presupposes the use of PR-style communication tools and extensive mass media presence (Martišková and Sedláková 2016).

The inflow of FDI has been another important factor shaping the strategic repertoire of Czech trade unions. Foreign capital has been attracted thanks to changes in employment legislation and the introduction of labour market flexibilisation measures. This has led to the intensification of trade union efforts to influence the country's regulatory process outlined in the previous paragraph. At the same time, labour organisations based in the Czech subsidiaries of multinational corporations have had an opportunity to cooperate with their Western European counterparts, which has been enriching in two respects. First, it has allowed the unions to signal the bad practices and employee rights breaches taking place in Czech company units to the companies' central managements. Second, thanks to cross-border links, Czech trade unions have become acquainted with new forms of action developed by their foreign colleagues. We will show in the following section that they have also experimented with these practices in the Czech context.

The economic crisis of the late 2000s challenged the Czech unions' capacity to protect employee rights. Before the downturn, Czechia's economy was in a relatively good shape, with a yearly GDP growth rate of 5.5 per cent in 2007 and 2.7 per cent in 2008 (Eurostat 2016). Faced with the 4.5 per cent decline in GDP in the following year, the centre-right government sought to reduce the budgetary deficit by cutting spending in the public sector. In consequence, the wages of public sector employees were set to decrease by 10 per cent, but were eventually cut to an even higher extent (Kahancová and Martišková 2016). In addition, the government announced plans to dismiss 22 500 public sector employees. The trade unions regarded the latter decision as unreasonable in a country in which employment in the public sector was 19.1 per cent compared to an EU average of 24.4 per cent (European Commission 2013).

Austerity policies introduced in response to the crisis had a significant impact on trade union strategy. During the downturn, public sector pay issues remained at the discretion of the government and were eventually codified in decree No. 564/2006. The only platform where changes to the Act could be proposed and discussed was the country's tripartite body. The centre-right government did not attempt to reach any compromise solutions with the trade unions, however, which led to the deterioration in the relationship between the two and the increase in industrial action (Veverková 2013).

In this regard, one of the most important union actions was the protest 'Democracy Looks Different' in May 2011. Its anti-austerity slogan 'Stop the government!' mobilised more than 100 000 people who gathered in Prague for what proved to be the biggest

demonstration in Czechia since 1989. Given the rare incidence of strikes and the generally low level of mobilisation within Czech society,¹ ‘Democracy Looks Different’ should be viewed as an exceptional success (cf. Myant 2013). The intensification of protest activity could also be observed in public sector branches, especially in healthcare and education (Veverková 2011; Kahancová and Martišková 2016). In the healthcare sector, low pay and the migration of healthcare workers motivated the doctors’ trade union to launch the campaign analysed in greater detail in section three of this chapter.

All in all, during the crisis trade unions managed to demonstrate their associational power and mobilising capacity, even though in the legislative sphere they remained highly dependent on political alliances.

Last, but not least, Czech trade unions have responded to the rise of precarious work, but their strategies have differed considerably across sectors. In the automotive industry, unions recognised the need to fight precarious work through legislation but, at the same time, intensified their efforts to bargain collectively on behalf of non-standard workers at the workplace. In rare and rather isolated company cases, they also sought to include the latter in their ranks. In other sectors, unions opted for a protective strategy and represented the interests of core workers at the expense of atypical employees (Martišková and Sedláková 2016). The protective stance stemmed from trade unions’ belief that the interests of their members should be prioritised but also from the general union intention to limit or, if possible, eliminate contracts that allowed for the worsening of employment conditions. In this regard, the reason why the automotive federation recognised the need to protect precarious workers was the overall deterioration of working conditions in the sector (visible e.g. in the increase of overtime work) that initially affected atypical employees but subsequently spread to core workers. This realisation was followed by the union’s efforts to push for the regulation of temporary agency work, presented in the following section.² At national level, trade unions similarly took the increasing precariousness of work seriously and tried to raise the level of legal protection of the flexible workforce through the Labour Code and related acts.

To conclude, the economic transformation of the early 1990s, the subsequent FDI inflows, the recent crisis and increasing labour market flexibility have directed the attention of Czech trade unions to three main areas. First, the organisations have continued their efforts to influence the legislative process, mainly through lobbying within the tripartite body or through direct contact with politicians and political parties. Second, even though the focus on political access and labour law has, to a considerable extent, shifted unions’ attention away from sector and company-level collective bargaining, unions have still tried to make their voice heard at company level and become actively engaged in company-level negotiations. In this regard, the unions have also adjusted their structures at sectoral level to assist their basic organisations, providing them with support and legal advice in collective bargaining process and help in various individual

1. For the period 2009–2014, the International Labour Organization’s database on labour unrest (ILO 2016) reports zero strikes and lockouts in Czechia.

2. Similar reasoning is used by Čaněk and Kobová (2016) in their analysis of the reasons why trade unions should pay attention to migrant workers and try to protect them, despite the latter group’s low organising potential.

problems and issues. Third, trade unions' efforts to communicate their demands and actions to the media and the broader public have become an integral element of their strategic repertoire.

In the next section we go beyond these three traditional sets of instruments and examine the innovative practices launched by Czech trade unions in the post-crisis period.

2. How to stay relevant? Innovative union practices in Czechia

In the Czech context, innovative union practices could be traced at all levels of union action, including the national, sectoral and company levels. In this chapter, we focus on the three dimensions of innovation outlined in the Introduction to this book and evaluate the specific instruments used by unions in each of these areas. The account covers the post-crisis period, mostly after 2010, and, as stated in the introductory section, is limited to the most representative cases which have had a tangible impact.

The section demonstrates that, in order to address long-standing and newly emerging challenges, Czech trade unions have complemented their traditional forms of action with several innovative initiatives. First, they have tried to tackle, and potentially reverse, the membership loss trend by changing their organisational structure and launching an anonymous membership scheme. Second, they have become more actively involved in the dissemination of benchmarks on employment standards, workers' rights and employer obligations within Czech society. Their activities in this area ranged from innovative ways of promoting company-level collective bargaining and heightened worker mobilisation to campaigns targeting the wider public. Last, but not least, trade unions have targeted precarious workers on atypical employment contracts.

2.1 Anonymous membership: innovation in the field of union organisational structure

During the systemic transition and in its aftermath, Czech trade unions have been confronted with negative public perceptions of labour movements related to unions' subordinate role to the Communist Party under the previous regime. To overcome the view that they were 'creatures of the past' (Bernaciak *et al.* 2014: 81), the organisations needed to prove that they had the capacity to respond to old and new challenges. This pushed them to implement changes in their organisational structure that would bring them greater legitimacy and possibly lead to their revitalisation.

Certain organisational changes aiming to reverse membership decline have been extensively used in the Czech context over the last two decades and thus cannot be regarded as new or innovative. Trade unions have experienced mergers of existing organisations, the creation of new unions as well as changes in union leadership, especially in the initial years of the systemic transition (cf. Myant 2010). In recent years, however, several innovative schemes have been launched to change union organisational

structures and to boost union membership. The most prominent initiative in this regard was the introduction of an anonymous membership scheme by the Czech Metalworkers' Federation OS KOVO, the country's largest sectoral trade union.

The idea to launch the scheme came from the German metalworking union IG Metall after an internal OS KOVO survey reported that fear of repression was the most common factor preventing Czech metalworkers from establishing and/or joining a company-level trade union organisation. Addressing these concerns, the anonymous membership scheme launched in 2014 gives workers an opportunity to become OS KOVO members either at their plant-level trade organisation or external to the particular workplace, i.e. as individual members of the regional OS KOVO trade union organisation. The employer is subsequently informed about a trade union operating in the company, but the members' names are not revealed (see Blažienė and Gruževskis, this volume, for a similar institution in Lithuania). Collective bargaining on behalf of the unionised workers is subsequently led by a professional OS KOVO negotiator. This enables employees to launch collective bargaining negotiations without fear of losing their jobs and gives trade unions an opportunity to increase their membership. In 2015, in the South Bohemia region alone, around 200 workers anonymously joined plant-level trade unions associated with OS KOVO (Pokorná 2015).

The innovative nature of the anonymous membership scheme lies in that it addresses the long-term problem of declining union density. In addition, it aims at boosting the union's capacity to bargain collectively at the level at which it is still relatively strong, which is especially true in the metalworking sector. The following subsection presents other bargaining-focused initiatives.

2.2 New strategies to promote collective bargaining

In response to declining collective bargaining coverage and low wage levels, Czech trade unions have introduced innovative means of promoting company-level collective bargaining. The most emblematic initiative in this regard has been an ongoing ČMKOS campaign 'The end of cheap labour in Czechia' ('Konec levné práce v ČR'). The campaign was launched at a conference in September 2015 in the presence of 1 500 union members and aimed to encourage them to demand a minimum 5 per cent wage increase during the upcoming collective bargaining round. In the following year, the campaign included additional demands, such as that of raising the wages of teachers by 8 per cent.³

Justifying the campaign, the unions expressed their disappointment with income developments in the country, pointing out that, 20 years after the systemic transition, the average hourly wage in Czechia stood at just 28 per cent of the Austrian rate and 29 per cent of the German (IDNES 2015). In order to change the status quo, representatives of company-level trade union organisations associated with ČMKOS followed the example of the Austrian and German trade unions and launched regular meetings between their

3. The teachers eventually received a 6 per cent increase, as approved by the government in August 2016 (ČT24 2016).

negotiators ahead of the collective bargaining round. The meetings were an innovative tool used to coordinate demands in advance of company-level negotiations in the absence of sectoral bargaining structures. The formation of a unified position boosts the bargaining position of basic union organisations and demonstrates to employers that, although unions favour collective bargaining, they are strong enough to resort to alternative measures such as protests, demonstrations and strikes. At the same time, regular meetings provide company-level negotiators with fact-based arguments that can be used to justify their subsequent demands and act as an identity-building tool: they empower them and improve self-recognition as an important and legitimate negotiation party.

The final innovative aspect of ‘The end of cheap labour in Czechia’ campaign was ČMKOS’s increased media presence, based on the communication of a clear message – the need for wage increases – and aimed at gaining support for unions’ actions among the general public. Social media are often used to approach a wider (and younger) audience. The ČMKOS President regularly refers to the campaign on his Twitter and Facebook accounts by using a hashtag with its name (#koneclevnychucitelu, #koneclevneprace⁴), which is an innovative communications tool in the Czech trade union context.

2.3 Targeting new types of workers

The third dimension of union innovation is related to organisations’ increased focus on new employee groups. In Czechia, non-standard employment includes agency work and atypical small job contracts called work agreements as well as full-time employment of a temporary nature. Following the economic crisis of the late 2000s, the proportion of temporary workers in the total labour force in the country grew from 7.5 per cent in 2009 to 10 per cent in 2015 (Eurostat 2016).⁵ The number of temporary agency workers (TAWs) nearly doubled, rising from 39 000 in 2009 to 65 000 in 2014 (CZSO 2015).

Given that 76 per cent of all TAWs in Czechia are employed in the metalworking sector, OS KOVO took the lead in reporting instances of worker mistreatment and the misuse of agency work to government representatives and employer organisations. Even so, the union’s position on temporary agency work and other forms of precarious employment might seem inconsistent. On the one hand, OS KOVO undertakes significant efforts to improve precarious workers’ working conditions, especially via legislative measures; but, on the other, it does not seek actively to recruit them and thus the unionisation rate in the TAW sector remains very low (Martišková and Sedláková 2016). The union justifies its approach by claiming that it is very difficult to reach non-standard workers: the latter frequently change employers and employment sectors and this does not sit well with a traditional membership mode based on company-level organisations affiliated to sectoral unions. Paradoxically, then, OS KOVO is speaking up on behalf of workers who are not significantly present in its structures. Such a partial inclusion constitutes an

4. ‘#the end of cheap labour’, ‘#the end of cheap teachers’.

5. Most temporary workers stay in one employment for seven to twelve months, while almost 84 per cent of the temporarily employed would rather prefer permanent job.

innovation in relation to the selection of a target group, but it does not entail innovation in relation to unions' organisational structures or choice of strategies. It stems from Czech trade unions' focus on legislative action at the national level, combined with their interest in establishing a media presence. It is also linked to the union's protective approach toward 'core' workers, who constitute an overwhelming majority of (paying) trade union members, as well as to a long-term absence of comprehensive organising strategies targeted at 'peripheral' workers.

During the recent downturn, OS KOVO-affiliated organisations continued to protect the jobs of standard employees rather than those in the flexible workforce (Veverková 2012; Myant 2013). When the number of TAWs in the metalworking sector started to grow after the crisis, some company-level unions undertook efforts to ensure better working conditions for this employee group. Union activists at Škoda Auto in Mladá Boleslav, for example, tried to empower agency employees working in their plant by providing them with information about their rights, but these were ad hoc local initiatives. At the same time, OS KOVO tried to increase job protection for TAWs as well as to eliminate illegal practices related to social contributions and the misuse of overtime working,⁶ primarily through lobbying for legislative changes at the national level.

The agenda was later adopted by ČMKOS. In the course of 2015, the confederation organised several workshops and conferences that aimed at discussing the problems related to temporary agency work with representatives of employer organisations and the Ministry of Labour, in order to prepare the ground for legislative amendments. Legislative proposals addressing the most blatant abuses of agency work were drafted in June 2015, but were approved by the government only in August 2016 and, at the moment of writing (December 2016), they are still waiting to be discussed in the parliament and implemented. The legislative process has been protracted due to heated discussions between the social partners and cabinet representatives regarding the final content of the regulations. In particular, employers could not agree whether the responsibility for the working conditions of TAWs should be borne by the employer who hires them or by the sending agency. In addition, the current proposals seek to reduce the relatively high number of temporary work agencies by introducing a registration fee of CZK 500 000 (approx. EUR 18 500). Despite the controversies, it is expected that the compromise version of the acts will be approved by parliament in 2017.

3. Labour unrest in the public sector: the case of health care

In 2010–2011, the Czech Trade Union of Doctors (LOK-SČL) launched a campaign 'Thank You, We Are Leaving' (*Děkujeme, odcházíme*), probably the most innovative initiative undertaken by labour organisations in the history of independent Czechia, and certainly the most vocal trade union action to date. The campaign was unique in three

6. Temporary workers in Czechia are often exposed to the illegal practices of employers such as unpaid social contributions, extensive workload or unhealthy working conditions. In extreme cases, reported mostly in relation to migrant workers, they do not receive their wages from the agencies employing them (Čaněk and Kobová 2016).

respects: first, because of its reliance on professional tools; second, due to the inclusion of a new target group – patients, viewed as users of healthcare services; and third, as the union’s attempt to come up with a coordinated position in the sector characterised by the absence of sectoral level social dialogue and collective bargaining structures.

The name of the campaign was a reference to the 1999 civil initiative ‘Thank You, Now Leave’ (‘Děkujeme, odejděte’), staged by student leaders against the minority government of Miloš Zeman that was formed after the conclusion of the so-called opposition agreement between Zeman and Václav Klaus in 1998. Similar to the politically turbulent years of 1998–1999, between May 2009 and June 2010 Czechia was governed by the caretaker government of Jan Fischer after Prime Minister Topolánek received a vote of no confidence in the Lower House of the Czech parliament. After belated elections in 2010, the right-wing government of Petr Nečas came to power and soon introduced cuts in public spending. Against the background of the planned austerity measures, LOK-SČL decided to confront the new government with its demands, which had already been formulated during Fischer’s caretaker government.

The doctors’ protest action was triggered by the adverse economic conditions in the healthcare sector, mainly low wages and an underfinanced healthcare system, as well as by the socioeconomic effects of the crisis, in particular the migration of doctors and healthcare workers to other EU countries. In addition, LOK-SČL was not satisfied with the structural features of the Czech healthcare system, in particular with the inefficient system of medical training, the unfulfilled political promises of healthcare reforms and Labour Code violations affecting doctors’ working time. In the so-called ‘13 reasons for exodus’ issued by LOK-SČL, demands for higher wages and continuing training for medical personnel featured most prominently. If the demands were not met, the doctors threatened to hand in their resignation letters as of March 2011 (Děkujeme odcházíme 2011).

Czechia’s healthcare system is characterised by a continuing presence of political pressures for privatisation, the transformation of hospitals into commercial entities, frequent reform of the health insurance system and, at the same time, by its dependence on public money (Veverková 2011; Kahancová and Martišková 2016).⁷ In the absence of sectoral-level employer associations, collective agreements in the sector are concluded exclusively at the company/establishment level. These two factors – dependency on political support and the absence of a unified voice for healthcare professionals at sectoral level – determined the choice of instruments used by the healthcare trade unions to achieve their goals. Demonstrations and protest actions aiming at the improvement of working conditions in the sector, and the condition of the Czech healthcare system more generally, have been more common than in other sectors (Veverková 2011). Even so, the ‘Thank You, We Are Leaving’ campaign was particularly innovative both in regard to the choice of instruments and the selection of its target group. We elaborate on this argument in more detail below.

7. Healthcare workers are remunerated either in line with the salary scale laid out in specific regulations or on the basis of a standard employment contract. The latter arrangement is more widespread (Martišková and Sedláková 2016).

3.1 The choice of strategies and the professionalisation of the union campaign

The aim of the ‘Thank You, We Are Leaving’ campaign was to persuade doctors to join their colleagues and submit resignation letters by the end of 2010. This, in turn, was expected to boost doctors’ bargaining position vis-à-vis the government and the Ministry of Healthcare and help them push for higher wages. To improve its communication with the government and reach the wider public, LOK-SČL hired an external PR agency. The latter was responsible for the planning of the campaign, the preparation of a crisis management plan, external communications and media training for union spokespersons (Ewing Public Relations 2017).

The professionalisation of the campaign was visible through the use of media-oriented instruments and the choice of unconventional marketing tools. The campaign’s main feature was an ambulance car with several doctors visiting hospitals across Czechia (‘59 cities, 63 hospitals and more than 8 500 km’, Ewing Public Relations 2017). This so-called ‘road show’ did not only attract media attention but was also very successful at winning doctors’ support for the campaign and mobilising them. The purposefully aggressive tone adopted by the PR agency, demonstrated for example by the use of an image of a doctor with a ticking clock counting the time until the doctor’s exodus (leaving), was perceived as a powerful tool since it appealed to a new target group – patients.

3.2 New target group: patients as hostages?

Doctors’ focus on patients as end users of healthcare services shed light on new actors whose inclusion in the campaign could possibly shape the outcome of the bargaining process. The campaign’s slogans, such as ‘Our exodus, your exitus?’ and ‘Doctors are leaving! Have your blood pressure measured for the last time!’ were addressed directly to patients, making it explicit that the lack of doctors would have a negative impact on their lives and on the quality of the healthcare services they received.

By the end of 2010, doctors had submitted 3 837 resignation letters, which affected 78 out of approximately 200 hospitals in Czechia; in some regions of the country, as many as 80 per cent of doctors resigned (iDNES 2010; Ewing Public Relations 2017).

A follow-up petition for better healthcare, ‘SOS Healthcare’ (‘SOS Zdravotnictví’), was launched by public personalities, provoking Czech tabloid newspapers to run an alternative petition in response. One of the arguments used by the organisers of this response was that the union had used an ‘unacceptable method of pressure’ and held patients as ‘hostages’ to ‘blackmail’ the government (Reflex 2011). In addition, public discussion touched upon doctors’ criminal liability, with some claiming that the protest methods used in the campaign had put patients’ lives under threat (Procházková 2011). Indeed, it seems that, similar to the partial inclusion of temporary agency workers by OS KOVO and ČMKOS, LOK-SČL did not aim to involve patients in its protest actions,

but rather used them in an instrumental manner to improve its bargaining position vis-à-vis the government. This testifies to the missing link between user involvement and social dialogue in the sector, and shows that patients do not have a say regarding the working conditions of medical personnel, even though this is reflected in the quality of healthcare services (cf. Kahancová and Sedláková 2015).

The campaign ended in February 2011 when Martin Engel and Leoš Heger, the representatives respectively of LOK-SČL and the Ministry of Healthcare, signed a memorandum that promised higher wages for doctors, after which the majority of doctors were accepted back to work.

In line with Bernaciak *et al.* (2014), we argue that LOK-SČL was able to recognise a strategic opportunity to bargain with the government that was brought about by the crisis. By applying innovative, professional tools to their campaign and, at the same time, targeting patients as the end users of healthcare, they were able to exercise pressure and win wage increases for doctors. Alongside the salary increases, LOK-SČL sought to improve its visibility and stress the importance of union agency. Even though the union does not conclude collective agreements at sectoral level, the February memorandum could be seen as a signal through which LOK-SČL tried to mark its strength at national level and to strengthen its impact on the legislative process (Martišková and Sedláková 2016).

To summarise, we argue that the gaps in sectoral collective bargaining in healthcare pushed Czech trade unions to come up with innovative strategies and instruments, stirring up otherwise absent discussions over broader socioeconomic issues. At the same time, however, the government-targeted campaign of the healthcare workers did little to promote social dialogue in the sector; on the contrary, it has further strengthened the role of central regulation (Kahancová and Martišková 2016; see also Kahancová, this volume, for a similar development in Slovakia).

Assessment and conclusions

This chapter has examined innovative practices launched by Czech trade unions in the post-crisis period. We classified activities according to the three dimensions of union innovation outlined in the Introduction to this volume. The introduction of the anonymous membership option at OS KOVO, as a remedy for membership loss, could be viewed as innovation in relation to union organisational structure. Strategic innovation, in turn, is exemplified by ČMKOS's efforts to coordinate the positions of basic union organisations in advance of collective bargaining rounds and to create a positive public image of unions via campaigns and a media face. The third dimension of innovation encompasses unions' attempts to represent new types of marginalised employee groups, in particular their efforts to improve the working conditions of precarious workers. The case of labour unrest in healthcare illustrates how the professionalisation of union campaigns and new means of involvement with social groups outside their own organisations can help trade unions achieve their goals.

Can the innovative actions presented in this chapter lead to the revitalisation of the Czech trade union movement? In regard to organisational innovation, the aggregate data points to an overall decline in trade union density in Czechia, although the example of OS KOVO and its anonymous membership scheme suggests that trends may differ across sectors and organisations. As for strategic innovation, it seems too early to assess the impact of innovative means of promoting collective bargaining, but some tentative observations can nevertheless be made. The initiatives represent an effort to come up with a unified position in a situation in which sector-level collective bargaining structures are either weak (in the metalworking industry), or virtually non-existent (in healthcare). The work of ČMKOS shows that unions can benefit from coordinating their strategies before collective bargaining rounds at company level. In the healthcare sector, the absence of sectoral collective bargaining structures shifted unions' attention to protest actions. The innovative (if controversial) communications strategy adopted by LOK-SČL during the doctors' campaign helped it gain publicity and win demanded wage increases.

Ultimately, unions' attempts to represent new types of workers have, so far, been limited. Both OS KOVO and ČMKOS have sought to influence the legislative process in order to improve the working conditions of temporary agency workers. However, the unions do not actively recruit precarious employees as they often work temporarily and do not easily fit into traditional union structures based on sectors. The result, even if the effort to improve the working conditions of non-standard, atypical employees is clearly discernible, is that this has not translated into higher membership rates. This, in our view, constitutes an untapped potential and gives trade unions room for improvement.

We reached similar conclusions on the basis of the extensive empirical material on precarious employment in Czechia's retail, construction, healthcare, metalworking and temporary agency work sectors gathered for the purpose of the PRECARIR project (Martišková and Sedláková 2016). The social partners were primarily focused on influencing labour market regulation, perceiving the legislative path as the most effective tool for eliminating precarious employment, or at least for limiting its future spread. This partial-only engagement with a group that remains outside unions' membership circle was even more pronounced in the case of trade unions in healthcare: there, doctors boosted their bargaining position vis-à-vis the government by exerting indirect pressure on patients and feeding on their legitimate concerns over the quality of the healthcare system.

All in all, efforts to influence the legislative process remain at the core of Czech unions' activities. Their strong belief that labour legislation offers the best remedy to employee problems is not surprising since it is consistent with their earlier approaches (cf. Myant 2010). At the same time, unions' constant need to 'reinvent' themselves as legitimate actors, and to present themselves as relevant both in terms of the number of workers they represent and the issues they address, motivates them to experiment with innovative tools and non-standard communications channels. The dominant focus on lobbying, however, makes their response to newly emerging challenges fragmented and limited; in particular, they continue to pay scant attention to organising new types of workers.

It therefore seems that, in the future, Czech trade unions would need to follow more consistent and inclusive strategies in order to address more adequately the country's labour market problems.

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